

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

SEP 18 P 3:06

LAWRENCE J. MESITE,
Plaintiff

v.

NEWTON POLICE OFFICER, DAWN HOUGH,
NEWTON POLICE OFFICER, JOANNE BLAY,
NEWTON POLICE OFFICER, DINA VACCA,
CITY OF NEWTON, SUPERINTENDENT,
KENNETH NELSON AND BRIDGEWATER
STATE HOSPITAL
Defendants

CIVIL ACTION
NO. 04-11942GAO

**MOTION TO DISMISS FOR
FAILURE TO COMPLY WITH COURT ORDER**

The remaining City of Newton Defendants in the above-captioned matter, Police Officers Dawn Hough, Joanne Blay, and Dina Vacca (collectively the "City Police Officers"), hereby move to dismiss this matter.

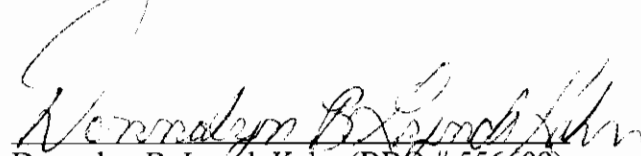
In support of this motion, the City Police Officers state as follows:

1. On July 14, 2006, in response to a motion to compel medical documents filed by the City Police Officers, this Court ordered Plaintiff to "within 60 days, produce documents responsive to Document Request No. 1 and Document Request No. 2 of Defendants' First Request For Production of Documents." (copy annexed hereto).

2. No documents whatsoever have been produced by Plaintiff in response to the Court's Order.

DEFENDANTS, CITY OF NEWTON
POLICE OFFICERS DAWN HOUGH,
JOANNE BLAY AND DINA VACCA,

By their attorney,



Donnalyn B. Lynch Kahn (BBO # 556609)

Assistant City Solicitor

City of Newton Law Department

1000 Commonwealth Avenue

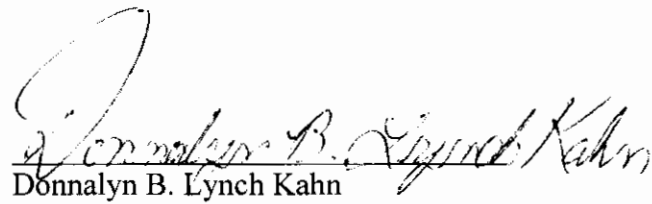
Newton Centre, MA 02459

Tel: (617) 796-1240

Dated: September 15, 2006

RULE 7.1 CERTIFICATION

I, Donnalyn B. Lynch Kahn, hereby certify that I have conferred with counsel for the Plaintiff by phone, that we attempted in good faith to resolve or narrow the issues in the instant motion and were unable to resolve the same.


Donnalyn B. Lynch Kahn

Dated: September 15, 2006